

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, November 24, 2015

MONTOYA, ALFRED
Sentencing Court:
Orange

P-24487

Penal Code section 1170(e)

Motion: Recommend to the court that the Mr. Montoya's sentence be recalled, or Mr. Montoya be resentenced, based on the board's finding that he is terminally ill with an incurable disease that would produce death within six months and the conditions under which Mr. Montoya would be released (specifically, that he live under the care of his brother) would not pose a threat to public safety.

Motion by: **Peck**
Second by: **Garner**
Not Present: **Fritz, Labahn, Minor, Richardson**
Abstained:

Decision: Motion approved by a majority of the commissioners present.

WANLESS, MICHAEL
Sentencing Court:
Shasta

F-83469

Penal Code section 1170(e)

Motion: Recommend to the court that the Mr. Wanless's sentence be recalled, or Mr. Wanless be resentenced, based on the board's finding that he is terminally ill with an incurable disease that would produce death within six months and the conditions under which he would be released (specifically, that he live under the care of his parents with assistance from two friends experienced with hospice care and his sister) would not pose a threat to public safety.

Motion by: **Garner**
Second by: **Anderson**
Not Present: **Fritz, Minor, Richardson**
Abstained:

Decision: Motion approved by a majority of the commissioners present.

MARTIN, DANIEL
Sentencing Court:
Orange

C-70256

Referred by Chief Counsel

Motion: Vacate the August 5, 2015, decision to grant parole and schedule a new hearing to consider whether Mr. Martin poses an unreasonable risk of danger to the public.

Motion by: **Labahn**
Second by: **Montes**
Not Present: **Fritz, Minor, Richardson**
Abstained:

Decision: Motion approved by a majority of the commissioners present.

ZEPEDA, DAVID
Sentencing Court:
San Diego

AR7091

Referred by Chief Counsel

Motion: Vacate the September 25, 2015, decision based on new information regarding the inmate's institutional conduct and medical condition and schedule a new hearing to consider whether placement of Mr. Zepeda on medical parole would pose an unreasonable risk to public safety.

Motion by: **Peck**
Second by: **Anderson**
Not Present: **Fritz, Garner, Minor, Richardson**
Abstained:

Decision: Motion approved by a majority of the commissioners present.

DAVIS, MICHAEL
Sentencing Court:
San Diego

H-08904

**Governor-Referred pursuant to
Penal Code section 3041.1**

Motion: Refer for a rescission hearing to consider whether the panel that granted parole on June 24, 2015, committed a fundamental error resulting in an improvident grant based on the concerns cited in the Governor's referral letter dated October 23, 2015, in particular the inmate's pattern of institutional misconduct.

Motion by: **Labahn**

Second by: **Garner**

Not Present: **Fritz, Minor, Richardson, Singh**

Abstained:

Decision: Motion approved by a majority of the commissioners present.

FLORES, LAWRENCE
Sentencing Court:
Los Angeles

F-37037

**Governor-Referred pursuant to
Penal Code section 3041.1**

Motion: Refer for a rescission hearing to consider whether the panel that granted parole on July 3, 2015, committed a fundamental error resulting in an improvident grant based on the concerns cited in the Governor's referral letter dated October 23, 2015, in particular the inmate's pattern of association with gangs.

Motion by: **Peck**

Second by: **Turner**

Not Present: **Fritz, Minor, Richardson, Roberts**

Abstained:

Decision: Motion approved by a majority of the commissioners present.

HERNANDEZ, RUBEN
Sentencing Court:
Los Angeles

H-62709

**Governor-Referred pursuant to
Penal Code section 3041.1**

Motion: Affirm the panel's July 8, 2015, decision to grant parole based on a finding that Mr. Hernandez no longer poses an unreasonable risk of danger to the public, as articulated in the panel's proposed decision.

Motion by: **Anderson**

Second by: **Roberts**

Not Present: **Fritz, Garner, Minor, Richardson**

Abstained:

Decision: Motion approved by a majority of the commissioners present.

NGUYEN, THI
Sentencing Court:
Los Angeles

K-61171

**Governor-Referred pursuant to
Penal Code section 3041.1**

Motion: Refer for a rescission hearing to consider whether the panel that granted parole on July 15, 2015, committed a fundamental error resulting in an improvident grant based on the concerns cited in the Governor's referral letter dated October 30, 2015, in particular the inmate's continued pattern of violent misconduct even in prison based on a desire to humiliate others.

Motion by: **Peck**

Second by: **Zarrinnam**

Not Present: **Anderson, Fritz, Minor, Richardson**

Abstained:

Decision: Motion approved by a majority of the commissioners present.

RICHARDS, MERRIL
Sentencing Court:
Los Angeles

C-66928

**Governor-Referred pursuant to
Penal Code section 3041.1**

Motion: Consider the Governor's referral dated November 5, 2015, at the Board's next executive meeting along with any recent institutional misconduct deemed relevant by the Chief Counsel.

Motion by: **Labahn**

Second by: **Anderson**

Not Present: **Fritz, Minor, Richardson, Zarrinam**

Abstained:

Decision: Motion approved by a majority of the commissioners present.

Motion: Affirm the panel's July 9, 2015, decision to grant parole based on a finding that Mr. Ybarra no longer poses an unreasonable risk of danger to the public, as articulated in the panel's proposed decision.

Motion by: **Garner**

Second by: **Roberts**

Not Present: **Fritz, Minor, Richardson, Turner**

Abstained:

Decision: Motion not approved by a majority of the commissioners present.

Motion: Refer for a rescission hearing to consider whether the panel that granted parole on July 9, 2015, committed a fundamental error resulting in an improvident grant based on the concerns cited in the Governor's referral letter dated October 30, 2015, in particular the inmate's minimization of his involvement in prison gangs.

Motion by: **Peck**

Second by: **Anderson**

Not Present: **Fritz, Minor, Richardson, Turner**

Abstained:

Decision: Motion approved by a majority of the commissioners present.